

Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 L-03 CAB-09 CIAE-00 COME-00

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R 121430Z DEC 73

FM AMEMBASSY ROME

TO SECSTATE WASHDC 2304

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E.O. 11652: N/A

TAGS: ETRN, IT

SUBJECT: CIVAIR - SEABOARD CARGO RATES

REF: ROME 12720

1. EMBASSY HAS RECEIVED NOTE FROM MINISTRY FOREIGN AFFAIRS CONFIRMING GOI LEGAL POSITION IN SEABOARD RATE CASE PRESENTED ORALLY TO EMBOFF ON NOVEMBER 16 (SEE REFTEL).

2. TEXT OF SUBSTANTIVE PORTION OF NOTE FOLLOWS (INFORMAL EMBASSY TRANSLATION):

QTE AS HAS ALREADY BEEN PRESENTED IN THE UNOFFICIAL MEETING OF NOVEMBER 16 WITH A REPRESENTATIVE OF THE EMBASSY, THE ITALIAN GOVERNMENT HAS TAKEN THE ATTITUDE THAT, NOTWITHSTANDING THE CONTRARY ADVICE OF THE COMPETENT ITALIAN AUTHORITIES -- ALREADY EXPRESSED LAST JUNE -- SEABOARD HAD PUT INTO EFFECT FROM OCTOBER 17 NEW RATES FOR SOME CATEGORIES OF CARGO TRANSPORTED BETWEEN ITALY AND THE UNITED STATES.

QTE IN THIS REGARD, IN ORDER TO BRING A RAPID SOLUTION TO THE SITUATION, THE ITALIAN GOVERNMENT CONSIDERS THAT THE NOTICE GIVEN SEPTEMBER 19 BY THE MINISTRY OF TRANSPORT AND CIVIL AVIATION TO SEABOARD AND THE EMBASSY, IN WHICH IT CONFIRMED THE UNTIMELINESS OF MODIFYING THE RATES THEN IN FORCE FOR THE COMPANIES OPERATING IN ITALY, CONSTITUTES BY IMPLICATION A LIMITED OFFICIAL USE

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VALID NOTICE UNDER ARTICLE 10 (G) OF THE US-ITALY AIR TRANSPORT

AGREEMENT OF JUNE 22, 1970.

QTE THEREFORE, AND BECAUSE THE APPLICATION OF THE PRINCIPLE OF THE AGREEMENT CANNOT BE SUBORDINATE TO ANY CONDITION, EFFECTIVE NOVEMBER 19, 1973 SEABOARD MUST CEASE APPLYING THESE RATES AND MUST RESUME OPERATIONS ON THE BASIS OF THE RATES PREVIOUSLY IN EFFECT.

QTE SUCH A SOLUTION APPEARS TO THE ITALIAN GOVERNMENT THE MOST CORRESPONDENT TO THE REQUIREMENT OF EQUALITY OF TREATMENT OF ALL THE CARRIERS OPERATING IN ITALY, ON THE BASIS OF THE DELIBERATE DECISIONS OF IATA. IN HARMONY WITH SUCH A CRITERION, THE ITALIAN GOVERNMENT IN FACT INTENDS TO EXECUTE, TOWARDS ALL THE CARRIERS WHICH OPERATE IN ITALY, THE NEW CARGO RATES RECENTLY AGREED UPON IN IATA AND WHICH WILL BE EFFECTIVE FROM JANUARY 1, 1974.

QTE ONE WOULD NOT RECEIVE, THEREFORE, A MOTIVE FOR APPLYING -- EVEN ON A PROVISIONAL BASIS -- A DIFFERENT RATE FOR SEABOARD, EVEN IF SUCH COMPANY IS NOT AN IATA MEMBER. UNQTE.

3. EMBASSY WOULD APPRECIATE DEPARTMENT'S DRAFT OF A REPLY WHICH WOULD EFFECTIVELY CLOSE THE BOOKS ON THIS CASE. BEAUDRY

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Message Attributes

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